

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 01-1588

Frances L. Kearns

Appellant,

v.

William J. Henderson, Postmaster
General, United States Postal
Service,

Appellee.

*
*
*
*
*
*
*
*
*

Appeal from the United States
District Court for the Western
District of Missouri.

[UNPUBLISHED]

Submitted: October 26, 2001
Filed: October 29, 2001

Before WOLLMAN, Chief Judge, BOWMAN, and LOKEN, Circuit Judges.

PER CURIAM.

Frances L. Kearns is a part-time flexible clerk for the United States Postal Service (USPS) in Drexel, Missouri. After the Drexel postmaster assigned some of the hours she had been working to a second part-time flexible clerk, and Kearns suffered a heart attack necessitating a temporary lifting restriction, Kearns brought this suit asserting claims under the Rehabilitation Act, and for age discrimination and retaliation. Upon USPS's motion for partial dismissal and summary judgment, the

district court¹ dismissed one of her Rehabilitation Act claims and granted summary judgment to USPS on the remaining claims. Kearns appeals.

For reversal, Kearns argues that she is entitled to present her case to the jury, and that the district court abused its discretion in refusing to allow her to amend her complaint. After de novo review of the record, see Gordon v. Hansen, 169 F.3d 1009, 1113 (8th Cir. 1999) (per curiam) (dismissal for failure to state a claim); Helfter v. United Parcel Serv., Inc., 115 F.3d 613, 615 (8th Cir. 1997) (grant of summary judgment), we conclude that the district court properly granted USPS's motion for the reasons explained in the court's well-reasoned order. We also see no abuse of discretion in the district court's refusal to allow Kearns to amend her complaint some months after the court's written deadlines for filing amended pleadings. See Ryan v. Sargent, 969 F.2d 638, 641 (8th Cir. 1992) (disposition of motion to amend is in sound discretion of district court), cert. denied, 506 U.S. 1061 (1993).

The judgment is affirmed. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.

¹The HONORABLE ORTRIE D. SMITH, United States District Judge for the Western District of Missouri.